

REMARKS

This communication is in response to the Office Action dated November 29, 2005 and to the Advisory Action dated February 14, 2006.

Recap of the Examiner's Contentions

In the response filed after the November 29, 2005 office action (Final Office Action), Applicant argued (in part) that the Examiner's contention that Azagury's JVM corresponds to the "isolated execution unit" is inconsistent with the contention that Acker's disclosure of an EJB container corresponds to the "isolated execution unit."

In the Advisory Action, the Examiner appears to clarify the position on the contention with respect to the "isolated execution unit." In particular, the Examiner states (emphasis added):

Examiner notes that the EJB container executing on a JVM provides runtime environment for EJB components and isolates the EJB components; therefore, the EJB container corresponds to the isolated execution unit.

With respect to the "external program," the Examiner considers the external program to be disclosed by the object 36 (Azagury, in Fig. 2) and the EJB client 120 (Acker, in Fig. 1B). With respect to the object 36, the Examiner states (in part) at the middle of page 3 of the Final Office Action (emphasis added):

between the intermediary software component [target MRM 44, Fig. 2; col. 6, lines 17-26] and an external program [object 36, Fig. 2; col. 6, lines 17-18]

With respect to the EJB client 120, the Examiner states (in part) at the middle of page 4 of the Final Office Action (emphasis added):

establishing a communication path between the intermediary software component and the external program [Remote interface 118 provides access, by client 120, to business methods within the EJBBean 104]

Summary of Applicant's Argument (Using Claim 1 as an Example)

Now, taking claim 1 as an example, it can be seen that claim 1 recites in part (emphasis added) "by an external program, creating a new isolated execution unit ..." Claim 1 has also been amended to even more clearly states that it is the external program (i.e., the external program that creates the new isolated execution unit) that "controls or monitors the target software component executing in the isolated execution unit newly created by the external program."

In order to make a proper rejection of claim 1, then, using the Azagury and Acker references, the Examiner must show at least that one of ordinary skill in the art would understand that the object 36 or the EJB client 120 (what the Examiner contends corresponds to the "external program") create an EJB container (what the Examiner contends corresponds to the "isolated execution unit"). As discussed below, it is respectfully submitted that the Examiner cannot make such a showing.

Detailed Discussion of Shortcomings of Rejection

The Examiner concedes the shortcomings of Azagury on the point of disclosing the external program creating an EJB container. That is, at the bottom of page 3 to the top of page 4 of the Final Office Action, the Examiner states (emphasis added):

Azagury teaches isolated execution unit [Java virtual machine at the target machine], but does not specifically teach an external program creating a new isolated execution unit and the external program is outside of the isolated execution unit.

With respect to Acker on this point, the Examiner states at the top of page 4 of the Final Office Action:

However, Acker teaches an external program creating a new isolated execution unit, wherein the external program is outside the isolated execution unit [container may not necessarily be present in a single server location, and the EJB container could be replicated and distributed across many systems; col. 4, lines 40-58]

In the first place, the Examiner's contention is insufficient on its face in that, while it states that an "EJB container could be replicated and distributed," it does not state or otherwise contend or imply that it is the EJB client 120 that is doing such replicating and distributing. After all, given the Examiner's contention that the EJB client 120 corresponds to the "external program," the Examiner must at least contend that it is the EJB client 120 doing the replicating and distributing of the EJB container. Furthermore, turning to col. 4, lines 40-58 of Acker, this section of Acker states:

Each Enterprise Java Bean is stored in a logical container (see FIG. 1B) and any number of EJBBean 104 classes can be present in a single container. A container may not necessarily be present in a single server location, and the EJB container could be replicated and distributed across many systems. EJBBean 104 may be transient or persistent. A transient bean is termed a "session" bean and a persistent bean is termed an "entity" bean. Session beans are temporary and usually exist only for a single client/server session.

It can thus be seen that the portion of Acker relied upon by the Examiner as support does not, in fact, support the Examiner's vague contention that Acker discloses the EJB client 120 creating an EJB container.

Furthermore, the notion that an EJB client creates an EJB container is illogical. To the extent an EJB container can be considered to be "created" at all, such creation would be via the administrator console of the Java Enterprise Environment, and certainly would not be by the EJB clients that access the EJB components within the EJB container.

For at least these reasons, then, it is respectfully submitted that the rejection is *prima facie* insufficient. It is further respectfully submitted that, the rejection aside, the combination of Azagury and Acker (even if properly made, a point on which Applicant does not concede) does not yield the subject matter of claim 1.

Given the similarity of the other independent claims to claim 1, in response to the rejection of those other independent claims, Applicant incorporates by reference the arguments

set forth above with respect to claim 1. It is further respectfully submitted that the rejection of the dependent claims is improper for at least the reasons that the rejection of the independent claims, on which they depend, is improper.

CONCLUSION

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. For example, if the Examiner can suggest claim amendments that are considered to put the claims in condition for allowance, Applicant respectfully requests the Examiner to contact the undersigned.

Respectfully submitted,
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